

New York & Company, Inc.  
Form SC 13D/A  
August 07, 2017

**SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, DC 20549**

**SCHEDULE 13D**

**(Rule 13d-101)**

**INFORMATION TO BE INCLUDED IN STATEMENTS FILED PURSUANT TO RULE 13d-1(a) AND  
AMENDMENTS THERETO FILED PURSUANT TO RULE 13d-2(a)**

**Under the Securities Exchange Act of 1934**

**(Amendment No. 1)\***

**NEW YORK & COMPANY, INC.**  
(Name of Issuer)

**Common Stock, par value \$0.001 per share**  
(Title of Class of Securities)

**649295102**  
(CUSIP Number)

**Mr. David L. Kanen**

**Kanen Wealth Management LLC**  
**5850 Coral Ridge Drive, Suite 309**

**Coral Springs, Florida 33076**  
**(631) 863-3100**

**With a copy to:**

**Derek D. Bork**

**Thompson Hine LLP**

**3900 Key Center**

**127 Public Square**

**Cleveland, Ohio 44114**

**(216) 566-5500**

(Name, Address and Telephone Number of Person  
Authorized to Receive Notices and Communications)

**July 31, 2017**

(Date of Event Which Requires Filing of this Statement)

If the filing person has previously filed a statement on Schedule 13G to report the acquisition that is the subject of this Schedule 13D, and is filing this schedule because of §§ 240.13d-1(e), 240.13d-1(f) or 240.13d-1(g), check the following box “.”

*Note:* Schedules filed in paper format shall include a signed original and five copies of the schedule, including all exhibits. *See* §240.13d-7 for other parties to whom copies are to be sent.

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\* The remainder of this cover page shall be filled out for a reporting person’s initial filing on this form with respect to the subject class of securities, and for any subsequent amendment containing information which would alter disclosures provided in a prior cover page.

The information required on the remainder of this cover page shall not be deemed to be “filed” for the purpose of Section 18 of the Securities Exchange Act of 1934 (“Act”) or otherwise subject to the liabilities of that section of the Act but shall be subject to all other provisions of the Act (however, *see* the *Notes*).

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NAME OF  
REPORTING  
PERSON

**1**

**Kanen  
Wealth  
Management  
LLC**  
CHECK  
THE  
APPROPRIATE  
BOX IF A  
MEMBER (a) ..  
OF A (b) ..  
GROUP

**2**

SEC USE  
ONLY

**3**

SOURCE  
OF FUNDS

**4**

**OO; AF**  
CHECK IF  
DISCLOSURE  
OF LEGAL  
PROCEEDINGS  
IS  
REQUIRED  
PURSUANT  
TO ITEM  
2(d) or 2(e)

**5**

CITIZENSHIP  
OR PLACE  
OF  
ORGANIZATION

**6**

**Florida**

SOLE  
VOTING  
POWER

**7**

NUMBER OF  
SHARES

**0**  
SHARED  
VOTING  
POWER

**8**

BENEFICIALLY

OWNED BY  
EACH

**4,017,399**  
SOLE  
DISPOSITIVE  
POWER

**9**

REPORTING

PERSON WITH

**0**  
SHARED  
DISPOSITIVE  
POWER

**10**

**4,017,399**

**11** AGGREGATE  
AMOUNT  
BENEFICIALLY  
OWNED BY  
REPORTING PERSON

**12** **4,017,399**  
CHECK IF  
THE  
AGGREGATE  
AMOUNT  
IN ROW  
(11)   
EXCLUDES  
CERTAIN  
SHARES

**13**

PERCENT  
OF CLASS  
REPRESENTED  
BY  
AMOUNT  
IN ROW  
(11)

**6.3%**  
TYPE OF  
REPORTING  
PERSON

**14**

**IA**

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<b>1</b>	NAME OF REPORTING PERSON
<b>2</b>	<b>David L. Kanen</b> CHECK THE APPROPRIATE BOX IF A MEMBER (a) .. OF A (b) .. GROUP
<b>3</b>	SEC USE ONLY
<b>4</b>	SOURCE OF FUNDS
<b>5</b>	<b>PF; OO; AF</b> CHECK IF DISCLOSURE OF LEGAL PROCEEDINGS IS REQUIRED PURSUANT TO ITEM 2(d) or 2(e)
<b>6</b>	CITIZENSHIP OR PLACE OF ORGANIZATION

**United  
States of  
America**

SOLE  
VOTING  
POWER

**7**

NUMBER OF  
SHARES

SHARED  
VOTING  
POWER

**8**

BENEFICIALLY

OWNED BY

**4,017,399**

EACH

SOLE  
DISPOSITIVE  
POWER

**9**

REPORTING

PERSON WITH

SHARED  
DISPOSITIVE  
POWER

**10**

**4,017,399**

**11**

AGGREGATE  
AMOUNT  
BENEFICIALLY  
OWNED BY  
REPORTING PERSON

**12**

**4,017,399**  
CHECK IF " "   
THE  
AGGREGATE  
AMOUNT  
IN ROW  
(11)  
EXCLUDES  
CERTAIN  
SHARES

**13** PERCENT  
OF CLASS  
REPRESENTED  
BY  
AMOUNT  
IN ROW  
(11)

**14** **6.3%**  
TYPE OF  
REPORTING  
PERSON

**IN**



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This Amendment No 1. to Statement of Beneficial Ownership on Schedule 13D (this “Amendment No. 1”) amends the Statement of Beneficial Ownership on Schedule 13D filed by the Reporting Persons on April 26, 2017 (as amended, the “Schedule 13D” or this “Statement”), with respect to the Common Stock, par value \$0.001 per share, of New York & Company, Inc., a Delaware corporation (the “Company”). The Company reports that its principal executive offices are located at 330 West 34th Street, 9th Floor, New York, New York 10001.

Except as amended and supplemented by this Amendment No. 1, the Schedule 13D remains unchanged.

## **Item 2. Identity and Background.**

This Statement is filed by (i) Kanen Wealth Management LLC, an investment advisor registered as such in Florida, New York and Texas (“KWM”), and (ii) David L. Kanen, the managing member of KWM.

The foregoing persons are sometimes referred to herein as a “Reporting Person” and collectively as the “Reporting Persons.” The Reporting Persons are filing this Statement jointly. Neither the fact of this filing nor anything contained herein shall be deemed to be an admission by any of the Reporting Persons that they constitute a “group.”

KWM, a limited liability company organized under the laws of the State of Florida, is a registered investment adviser. The principal business of KWM is purchasing, holding and selling securities for investment purposes for the accounts of its customers. The principal occupation of Mr. Kanen is serving as the managing member, sole investment advisor representative and Chief Compliance Officer for KWM. Mr. Kanen is a U.S. citizen.

The principal business address of the Reporting Persons is 5850 Coral Ridge Drive, Suite 309, Coral Springs, Florida 33076.

None of the Reporting Persons has, during the last five years, been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors).

None of the Reporting Persons has, during the last five years, been a party to a civil proceeding of a judicial or administrative body of competent jurisdiction and as a result of such proceeding was or is subject to a judgment, decree or final order enjoining future violations of, or prohibiting or mandating activities subject to, federal or state securities laws or finding any violation with respect to such laws.

**Item 3. Source and Amount of Funds or Other Consideration.**

The Reporting Persons acquired the shares of Common Stock reported as owned by the Reporting Persons in the ordinary course of business. The shares of Common Stock beneficially owned by KWM were acquired for the accounts of its customers. In addition, Mr. Kanen purchased shares of Common Stock for his own account. The total cost for purchasing the shares of Common Stock reported as owned by the Reporting Persons, including brokerage commissions, was approximately as follows: KWM, \$4,761,082 (not including the cost of the shares held for Mr. Kanen's account); The Philotimo Fund LLC, \$1,354,235; and Mr. Kanen, \$547,883. The source of funds for the shares of Common Stock acquired for the accounts of KWM's customers were funds of such customers. The source of funds for the shares of Common Stock acquired by The Philotimo Fund LLC was its working capital. The source of funds for the shares of Common Stock acquired by Mr. Kanen were his personal funds.

**Item 4. Purpose of Transaction.**

The Reporting Persons acquired the shares of Common Stock reported in this Statement for investment purposes. The Reporting Persons may in the future acquire additional shares of Common Stock or dispose of some or all of the shares of Common Stock held by the Reporting Persons in open-market transactions or privately negotiated transactions, on such terms and at such times as the Reporting Persons may deem advisable. The Reporting Persons may engage in short selling or hedging or similar transactions with respect to the shares of Common Stock, on such terms and at such times as the Reporting Persons may deem advisable, subject to applicable law.

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The Reporting Persons have engaged in and may to continue to engage in discussions with the board and management of the Company regarding its business and affairs. Except as set forth herein, none of the Reporting Persons has any present plan or proposal that would result in any of the actions described in paragraphs (a) through (j) of Item 4 of Schedule 13D. The Reporting Persons reserve the right in the future to formulate any such plans or proposals, and to take any actions with respect to their investments in the Company, including any or all of the actions described in paragraphs (a) through (j) of Item 4 of Schedule 13D.

**Item 5. Interest in Securities of the Issuer.**

(a) The Reporting Persons beneficially own in the aggregate 4,017,399 shares of Common Stock, which represents approximately 6.3% of the Company's outstanding shares of Common Stock.

KWM, in its role as investment manager for customer accounts (collectively, the "Accounts") to which it furnishes investment advice, and Mr. Kanen, as the managing member of KWM, may each be deemed to beneficially own the 3,318,103 shares of Common Stock held in the Accounts. KWM, as the general partner of The Philotimo Fund LLC, and Mr. Kanen, as the managing member of KWM, may each be deemed to beneficially own the 699,296 shares of Common Stock held by The Philotimo Fund LLC. Mr. Kanen expressly disclaims such beneficial ownership except to the extent of his pecuniary interest therein. Mr. Kanen directly owns 337,246 shares of Common Stock held in the Accounts.

Each percentage ownership of Common Stock set forth in this Statement is based on the 64,214,035 shares of Common Stock reported by the Company as outstanding as of May 24, 2017 in its Quarterly Report on Form 10-Q filed with the Securities and Exchange Commission on June 2, 2017.

(b) KWM, in its role as investment manager to the Accounts, has discretionary voting and dispositive power over the shares of Common Stock held in the Accounts pursuant to investment advisory agreements. Mr. Kanen, as the managing member of KWM, may be deemed to share voting and dispositive power over such shares of Common Stock with KWM. KWM, as the general partner of The Philotimo Fund LLC, and Mr. Kanen, as the managing member of KWM, may be deemed to share voting and dispositive power over the shares of Common Stock held by The Philotimo Fund LLC.

(c) The transactions effected by the Reporting Persons in the Common Stock during the last 60 days are set forth on Schedule A to this Statement. Each of these transactions was effected through the open market.

(d) The customers of KWM have the sole right to receive and, subject to notice, to withdraw the proceeds from the sale of the shares of Common Stock, and the power to direct the receipt of dividends from any of the shares of Common Stock held for their respective accounts. Such customers may also terminate the investment advisory agreements upon appropriate notice. Neither Mr. Kanen nor KWM has an economic or pecuniary interest in any of the shares of Common Stock reported herein as being held in customer accounts, except as set forth above. Mr. Kanen has the sole right to receive all proceeds from the sale of and direct the receipt of dividends from the shares of Common Stock held for his own account.

(e) Not applicable.

**Item 6. Contracts, Arrangements, Understandings or Relationships With Respect to Securities of the Issuer.**

The Reporting Persons have entered into a Joint Filing Agreement, which is set forth on the signature page to this Statement.

Except for the investment advisory agreements between the Reporting Persons and the owners of the Accounts and the Joint Filing Agreement, there are no contracts, arrangements, understandings or relationships (legal or otherwise) between the Reporting Persons and any other person with respect to any securities of the Company.

**Item 7. Material to Be Filed as Exhibits.**

99.1 Joint Filing Agreement among the Reporting Persons (set forth on the signature page to this Statement and incorporated herein by reference).

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**SIGNATURE**

After reasonable inquiry and to the best of our knowledge and belief, the undersigned certifies that the information set forth in this Statement is true, complete and correct.

In accordance with Rule 13d-1(k)(1)(iii) under the Securities Exchange Act of 1934, as amended, the persons named below agree to the joint filing on behalf of each of them of this Statement on Schedule 13D with respect to the shares of Common Stock of the Company.

Dated: August 7, 2017

KANEN WEALTH MANAGEMENT LLC

/s/ David L. Kanen  
David L. Kanen  
Managing Member

/s/ David L. Kanen  
David L. Kanen

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**Schedule A****Transactions by the Reporting Persons during the last 60 days:****Kanen Wealth Management LLC:**

Transaction Date	Number of Shares Bought/(Sold)	Price Per Share (\$)
06/13/2017	20,630	1.46
06/21/2017	21,000	1.33
06/23/2017	3,650	1.34
06/26/2017	25,000	1.40
06/27/2017	8,696	1.37
06/30/2017	3,570	1.37
07/11/2017	(2,000)	1.30
07/13/2017	14,021	1.36
07/18/2017	160	1.40
07/25/2017	5,700	1.54
07/26/2017	41,521	1.54
07/27/2017	13,532	1.32
07/27/2017	(2,011)	1.54
07/28/2017	37,965	1.55
07/31/2017	16,561	1.55
08/01/2017	23,539	1.55
08/02/2017	64,450	1.54

**David Kanen:**

Transaction Date	Number of Shares Bought/(Sold)	Price Per Share (\$)
07/07/2017	29,800	1.34

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07/13/2017	5,038	1.34
07/14/2017	13,600	1.39
07/17/2017	900	1.40
07/18/2017	400	1.40
07/24/2017	31,324	1.49

The Philotimo Fund LLC:

Transaction Date	Number of Shares Bought/(Sold)	Price Per Share (\$)
06/30/2017	15,716	1.43
07/03/2017	49,296	1.48